

BRUNSWICK CENTRAL SCHOOLS

BRITTONKILL

12/12/05

FCC

Office of the Secretary
9300 East Hampton Drive
Washington, DC 20743

DOCKET FILE COPY ORIGINAL

RECEIVED & INSPECTED

DEC 15 2005

FCC - MAILROOM

RE: CC Docket No. 02-6

Applicant Name: Brunswick Central School District
Billed Entity Number: 124123
Form 471 Application Number: 404068
Form 486 Application Number: 306248
Funding Request Number: 1218499

RE: REQUEST FOR REVIEW - SLD Administrator's Decision on Appeal letter dated: 10/28/05

We respectfully submit that the appeal was denied incorrectly by the SLD for several reasons. .

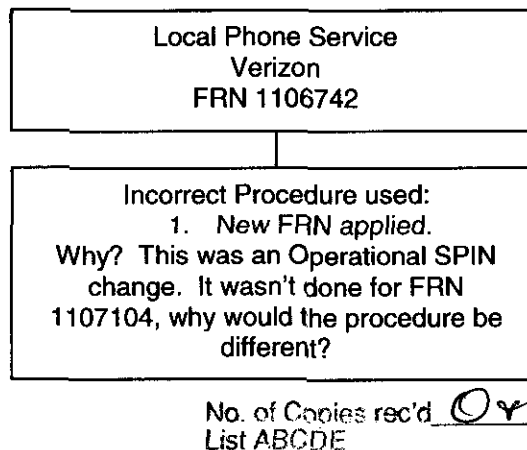
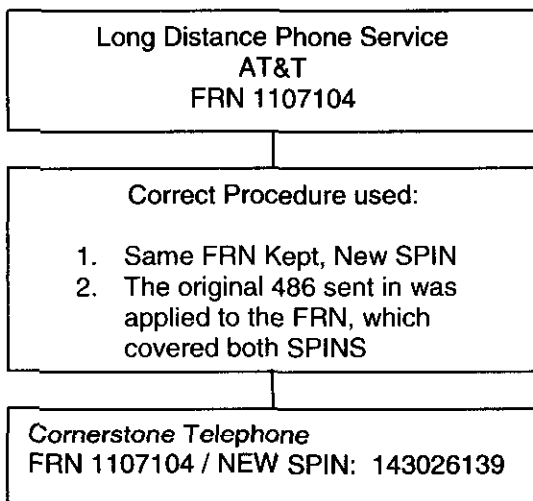
- Inconsistency in application of Operational SPIN Change. New FRN issued for 1 vendor, not for second.

Nowhere in the SLD's Operational SPIN Change directions is it indicated that a new FRN would be issued. This is the main crux of our appeal. The Operational SPIN Change document is about SPIN changes, not FRN changes. As indicated below in the diagram, the SLD seems to have followed its own process in one case and not another. Based on this alone, our appeal should be approved.

- What the SLD did not address in the appeal response:

Why use one procedure for FRN 1107104 and a totally different procedure used for the second FRN (1106742) as both were submitted at the same time? (Again, issuing a new FRN is not even mentioned in Operational SPIN Change documentation) And, if the 486 for the long distance was still valid when that SPIN was changed, why was it not applied for the local phone service in the same manner?

For an Operational SPIN Change, the procedure for both should have been to keep the FRN and provide the new SPIN number. The SLD did this for the Long Distance FRN, why wouldn't the same procedure be applied to the local phone service FRN?



BRUNSWICK CENTRAL SCHOOLS

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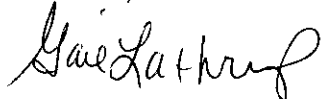
The following attachments show the history of our Operational SPIN Change.

1. 10/22/04: An operational SPIN change was requested.....(Attachment A)
 - Local and long distance providers requested to be changed to SPIN 143026139 (Cornerstone Telephone).
 - Local service was originally provided from Verizon (SPIN 143001359)
 - Long distance was originally provided by AT&T (SPIN 143001192).
2. 11/17/04: Additional information provided to SLD.....(Attachment B)
3. 11/29/04: Long Distance SPIN Change approved, FRN 1107104.....(Attachment C)
 - The long distance SPIN change was approved keeping the same FRN.
 - It also indicated a Form 486 has been filed for this FRN.
4. 01/25/05: Local Phone Service SPIN Change Approved, FRN 1106742.....(Attachment D)
 - The second was delayed and finally approved but assigned a new FRN.
 - Form 486 had been approved for local service but not applied to new FRN as it was for Long Distance Service above.
5. 08/03/05 Email from SLD, Case #21-287551.....(Attachment E)
6. 09/22/05 Appeal to SLD which included the above items.....(Attachment F)
7. 10/28/05 Appeal Denied by SLD.....(Attachment G)

The amount of reimbursement affected by the denial is 2701.42.

We appreciate your attention to this matter.

Thanks,



Gail Lathrop
Director of Business

Ph. 518-279-4600 x605
Fx. 518-279-1918
glathrop@brittonkill.k12.ny.us
3992 State Hwy 2
Troy, NY 12180

Enc



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

October 28, 2005

Gail Lathrop
Brunswick Central Schools
3992 State Highway 2
Troy, NY 12180

Re: Applicant Name: **BRUNSWICK CENTRAL SCHOOL DIST**
Billed Entity Number: 124123
Form 471 Application Number: 404068
Form 486 Application Number: 306248
Funding Request Number(s): 1218499
Your Correspondence Dated: September 22, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1218499
Decision on Appeal: Denied
Explanation:

- On appeal, you seek reversal of the SLD's decision to adjust the Service Start Date and reduce the funding request commitment amount for violating the Form 486 120-day deadline. You state you filed an Operational SPIN change that resulted in a new Funding Request Number (FRN) being generated. You do not believe you should have to file an additional Form 486 for the new FRN.

② New FRN should not have been issued to begin with!

- Upon review of the appeal letter, the relevant facts, and supporting documentation, the SLD determined that you requested an operational SPIN change for FRN 1106742. The original service start date of FRN 1106742 was July 1, 2004. You indicated with your SPIN change request that the effective date of the change to the new service provider was September 1, 2004. Since there

① Incorrect Logic →
SLD's own instructions do not support this

Same situation
for long
distance
FRN.

would be two months of service from the original service provider (Verizon) and ten months of service from the new service provider (CornerStone Telephone Company), a new FRN was established for the new service provider. This was indicated in the Revised Funding Commitment Decision Letter dated January 25, 2005.

The Form 486 for FRN 1218499 should have been filed within 120-days calculated from the issuance date of the Revised Funding Commitment Decision Letter or the Service Start Date as indicated on the Form 486, whichever is later. The Revised Funding Commitment Decision Letter you received dated January 25, 2005, states under NEXT STEPS, "In order to receive reimbursement, you must file Form 486, Receipt of Service Confirmation Form." It is the responsibility of the applicant to ensure that all Forms are submitted to SLD in a timely and correct manner.

- The date of your Revised Funding Commitment Decision Letter (FCDL) for Form 471 application 404068 was January 25, 2005. The Service Start Date reported on the Form 486 was September 1, 2004. The postmark date of your Form 486 was July 28, 2005. Since your FCC Form 486 was postmarked more than 120 days after your Service Start Date or the date of your FCDL, whichever is later, the SLD has revised your Service Start Date to the date 120 days before your Form 486 postmark date and reduced your funding commitment amount based on the adjusted Service Start Date.

The "Form 486 must be postmarked no later than 120 days after the Service Start Date featured on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later." See 2004 Funding Commitment Decision Letter, Universal Service for Schools and Libraries, Receipt of Service Confirmation Form, OMB 3060-0853, Instructions at 6. Since your Form 486 was postmarked after the 120 day filing requirement, the SLD has modified your service start date. The facts present in this appeal do not justify waiving the 120 day filing requirement. Consequently, your appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

**Schools and Libraries Division
Universal Service Administrative Company**

Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, New Jersey 07981
Visit us online at: www.sl.universalservice.org

BRUNSWICK CENTRAL SCHOOLS**BRITTONKILL**

9/22/2005

APPEAL

Schools and Libraries Division

FAX: 973-599-6542

Brunswick Central School District is requesting an appeal for the following:

Form 486 Notification Letter dated 8/17/2005
Form 486 Application Number: 306248
Funding Year 2004: 07/01/2004 – 06/30/2005
Billed Entity Name: Brunswick Central School District
Billed Entity Number: 124123

We would like to appeal the adjusted funding commitment and our subsequent BEAR form rejection:

Funding Request Number: 1218499
Form 471 Application Number: 404068
Service Provider Name: CornerStone Telephone Company
Service Provider Identification Number: 143026139
Service Start Date: 03/30/2005*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$2820.80

Justification for Appeal:

The basis for this appeal is as follows. An operational SPIN change was requested for two FRN's relating to the change of telephone providers by the district.

One Operational SPIN change was correctly modified by the SLD to reflect the new SPIN and kept the current FRN.

The other operational SPIN change incorrectly assigned a NEW FRN to the funding request. This action triggered the requirement of another 486 form and caused a reduction in funding to the district.

According to the instructions on the SLD Web Site. Operational SPIN changes should keep the same FRN, this is not a new funding request, just a change in provider. The lack of consistency in application by the SLD for our two SPIN changes, caused a loss in funding.

Finally, we contacted the SLD on this matter and opened a case. From what we could determine from the response, the 120-Day deadline would not apply to our submission.

From SLD Website:

An Operational SPIN change is a request to change the service provider associated with an FRN. The change in service providers is the result of a deliberate decision by the applicant to change the service provider supplying the services for an FRN.

BRUNSWICK CENTRAL SCHOOLS

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1. 10/22/04: An operational SPIN change was requested.....(Attachment A)
 - Local and long distance providers requested to be changed to SPIN 143026139 (Cornerstone Telephone).
 - Local service was originally provided from Verizon (SPIN 143001359)
 - Long distance was originally provided by AT&T (SPIN 143001192).
2. 11/17/04: Additional information provided to SLD.....(Attachment B)
3. 11/29/04: Long Distance SPIN Change approved, FRN 1107104.....(Attachment C)
 - The long distance SPIN change was approved keeping the same FRN.
 - It also indicated a Form 486 has been filed for this FRN.
4. 01/25/05: Local Phone Service, FRN 1106742.....(Attachment D)
 - The second was delayed and finally approved but assigned a new FRN.
 - Form 486 had been approved for local service but not applied to new FRN as it was for Long Distance Service above.
5. 08/03/05 Email from SLD, Case #21-287551.....(Attachment E)

We believe we should not have had to file an additional 486 for this operational spin change.

As the SLD in approving the Long Distance Operational SPIN Change continued coverage of the 486 to cover the new service provider, it would only follow logically that the same should have been done for the local service SPIN Change.

We appreciate your attention to this matter.

Thanks,



Gail Lathrop
Director of Business

Ph. 518-279-4600 x605
Fx. 518-279-1918
glathrop@brittonkill.k12.ny.us
3992 State Hwy 2
Troy, NY 12180

Emailed 10/22/04

BRUNSWICK CENTRAL SCHOOLS**BRITTONKILL**

9/1/2004

Operational SPIN Change
Schools and Libraries Division

FAX: 973-599-6526

- Larry Dapostino -
973-581-6758.- Larry
- Fax: 973-584-8217

The Brunswick Central School District is requesting an Operational SPIN Change for the following two vendors: AT&T (Long Distance) and Verizon - New York (Local POTS). We will be replacing both service providers with one new vendor: Cornerstone Telephone (Local & Long Distance).

I. Verizon - New York (Local POTS) Operational SPIN Change Request

1. Billed Entity Number: 124123
2. Applicant Name: Brunswick Central School District
3. Funding Request Number: 1106742
4. Form 471 Application number: 404068
5. Applicant Contact: Gail Lathrop
6. Applicant Phone: 518-279-4600 x605
7. Applicant Email Address: glathrop@brittonkill.k12.ny.us
8. Original SPIN: 143-001-359
9. Original Service Provider: Verizon - New York Inc.
10. Original Service Provider Contact: Joe Delaney
11. Original Service Provider Phone: (518) 443-4282
12. Original Service Provider Email Address: h.j.delaney@verizon.com
13. New SPIN: 143-026-139
14. New Service Provider: Cornerstone Telephone
15. New Service Provider Contact: Steve Borcharding
16. New Service Provider Phone: 518-272-1018
17. New Service Provider Email Address: sborcharding@cornerstonetelephone.com
18. Has the original service provider supplied any services under this funding request?
Yes. (The SLC has not made payment to the original service provider for this service)

II. AT&T (Long Distance) Operational SPIN Change Request

19. Billed Entity Number: 124123
20. Applicant Name: Brunswick Central School District
21. Funding Request Number: ~~1406742~~ - 1107104
22. Form 471 Application number: 404068
23. Applicant Contact: Gail Lathrop
24. Applicant Phone: 518-279-400 x605
25. Applicant Email Address: glathrop@brittonkill.k12.ny.us
26. Original SPIN: 143-001-192
27. Original Service Provider: AT&T.
28. Original Service Provider Contact: Margie Bauer
29. Original Service Provider Phone: 877-272-2544
30. Original Service Provider Email Address: rm_atteratel@ems.att.com
31. New SPIN: 143-026-139
32. New Service Provider: Cornerstone Telephone
33. New Service Provider Contact: Steve Borcharding
34. New Service Provider Phone: 518-272-1018

BRUNSWICK CENTRAL SCHOOLS**BRITTONKILL**

35. New Service Provider Email Address: sborcherding@cornerstonetelephone.com
 36. Has the original service provider supplied any services under this funding request?
 Yes. (The SLC has not made payment to the original service provider for this service)

Original Service Providers

- a. Verizon (Local) Monthly Pre-discount amount (old service provider).....1743.44
 b. AT&T (Long Distance) Monthly Pre-discount amount (old service provider).....160.00
 c. Cornerstone Monthly Pre-discount amount (new service provider) –
 Combines Local and Long Distance Service.....1800.00
 d. Effective Date of Change..... September 1, 2004
 e. Last Day of Service (for new service provider).....June 30, 2005

I certify that (1) all SPIN changes requested in this letter are allowed under all applicable state and local procurement rules, (2) the SPIN changes are allowable under the terms of the contract, if any, between the applicant and its original service provider and (3) the applicant has notified its original service provider of its intent to change service providers.

Sincerely,



Gail Lathrop
 Director of Business Operations
 3992 NY 2
 Troy, NY 12180

BRUNSWICK CENTRAL SCHOOLS**BRITTONKILL**

11/17/2004

Operational SPIN Change
Schools and Libraries Division

Larry Dagostino
FAX: 973-884-8217

Here is the additional information as requested:

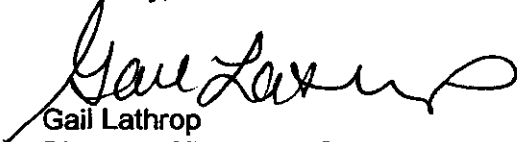
Original Service Providers

- a. Local: Verizon Monthly Pre-discount amount (old service provider).....1743.44
- b. Long Distance: AT&T Monthly Pre-discount amount (old service provider).....160.00

New Service Provider:

- c. Local: Cornerstone Monthly Pre-discount amount1600.00
- d. Long Distance: Cornerstone Monthly Pre-discount amount.....200.00

Sincerely,



Gail Lathrop
Director of Business Operations
3992 NY 2
Troy, NY 12180

-----Original Message-----

From: ClientOperations [mailto:ClientOperations@sl.universalservice.org]

Sent: Monday, November 29, 2004 1:50 PM

To: glathrop@brittonkill.k12.ny.us

Subject: Erate Program/Confirmation of SPIN Change/FRN-1107104

ATTACHMENT C

BRUNSWICK CENTRAL SCHOOL DIST
3992 STATE HIGHWAY 2
TROY, NY 12180

Attention: Gail Lathrop

Phone: (518) 279-4600

Re: Universal Service Administrator's Confirmation of SPIN Change/Correction

The request to change / correct the Service Provider has been granted.

Form 471 Application Number: 404068

The new Service Provider will receive a Funding Commitment Decision Letter (FCDL).
PLEASE NOTE: While this FCDL will contain more detailed information on the FRNs listed below, it will show the ORIGINAL COMMITMENT amount, rather than the amount that remains undisbursed for this FRN.

THIS E-MAIL IS FOR ADVISORY PURPOSES ONLY. REPLIES WILL NOT BE RECEIVED. IF YOU HAVE QUESTIONS REGARDING THE SUBJECT OF THIS ADVISORY E-MAIL, PLEASE CALL OUR CLIENT SERVICE BUREAU AT 1-888-203-8100.

Funding Request No. (FRN):	1107104
Original Service Provider:	AT&T Corp.
Original SPIN:	143001192
New Service Provider:	CornerStone Telephone Compant LLC
New SPIN:	- 143026139 -
Original Commitment Amount:	\$825.60
Disbursement Amount:	\$0.00
CAP Remaining:	\$825.60
Date of Change:	11/18/2004
A Form 486 has been filed for this FRN:	Yes
This FRN includes Non-Recurring Services:	No

11/30/2004

Local

FUNDING COMMITMENT REPORT

Funding Request Number: 1218499 Funding Status: COMMITTED - FULL
SPIN 143026139 Service Provider Name: CornerStone Telephone Company LLC
Provider Contract Number: T
Services Ordered: TELCOMM SERVICES
Earliest Possible Effective Date of Discount: 9/1/2004
Contract Expiration Date: 6/30/2005
Pre-Discount Cost: \$16,400.00
Discount Percentage Approved by the SLD: 41%
Fund Commitment Decision: \$7,052.00 - FRN approved as submitted
Fund Commitment Decision Explanation: SPLIT FRN

Funding Request Number: 1106742 Funding Status: COMMITTED - FULL
SPIN 143001359 Service Provider Name: Verizon - New York Inc.
Provider Contract Number: T
Services Ordered: TELCOMM SERVICES
Earliest Possible Effective Date of Discount: 7/1/2004
Contract Expiration Date: 8/31/2004
Pre-Discount Cost: \$1,486.88
Discount Percentage Approved by the SLD: 41%
Fund Commitment Decision: \$1,499.36 - FRN approved as submitted
Fund Commitment Decision Explanation: SPLIT FRN

Durkee, Meredith

From: sidnoreply@sl.universalservice.org
Sent: Wednesday, August 03, 2005 12:39 PM
To: Durkee, Meredith
Subject: RE: Case 21-287551

Thank you for your inquiry.

According to our records, the applicant has filed a Form 486 Application Number 306248 for FRN 1218499. At this time, no penalties or commitment adjustments have been assessed against this FRN.

The applicant filed a SPIN Change request via fax dated 10/22/04 in which the applicant requested changes to FRN 1106742. After consultation with our staff by phone to clarify the request, the applicant sent a subsequent fax dated 11/17/04. Based on these communications, we took the following actions.

We completed a SPIN Change on FRN 1107104 from SPIN 143001192 (AT&T) to 143026139 (CornerStone). We did not change other items on this FRN besides the SPIN.

We completed a Split FRN SPIN Change on FRN 1106742. Based on the effective date of change as stated by the applicant, 09/01/04, we adjusted this FRN to reflect two months of service from 07/01/04 through 08/31/04 provided by SPIN 143001359 (Verizon). The pre-discount monthly amount remains unchanged at \$1,743.44 based on information supplied by the applicant.

We then created a new FRN for the additional provider. This is FRN 1218499. It reflects ten months of service from 09/01/04 through 06/30/05 provided by SPIN 143026139 (CornerStone). The pre-discount monthly amount is \$1,640.00 based on information supplied by the applicant.

Taken together, FRNs 1106742 and 1218499 reflect a full 12 months of service for the funding year.

We communicated these changes to the applicant in a revised FCDL dated 01/25/05.

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates:
<http://www.sl.universalservice.org>

Schools and Libraries Division
 Universal Service Administrative Company

[THREAD ID:1-1KY276]

-----Original Message-----

From: mdurkee@nessnetworks.com
Subject: Initial Contact

[FirstName]=Meredith
 [LastName]=Durkee
 [JobTitle]=Project Manager
 [EmailAddress]=mdurkee@nessnetworks.com
 [WorkPhone]=5183774057
 [FaxPhone]=5183773673
 [PreviousCaseNumber]=0

[FormType]=Spin Changes
 [Owner]=SPINCHANGES
 [DateSubmitted]=7/29/2005 1:44:19 PM
 [AttachmentFlag]=N[BenOrSpinNumber]=124123
 [ApplicantName]=Brunswick Central School District

[ApplicationNumber]=404068

[FRN]=1106742

[OldSPIN]=143001359

[NewSPIN]=143026139

[Question2]=Original FRN 1107104 (long distance) and 1106742 (local) had Form 486s filed
for them.

We asked for an operational spin change for long distance and local phone service. The long distance SPIN was approved using the same FRN. However, the second was delayed and finally approved but incorrectly assigned a new FRN. Both local and long distance provider was changed to SPIN 143026139 (Cornerstone Telephone).

We believe we should not have to file an additional 486 for this operational spin change. We feel it is inappropriate that the school district be penalized for the 120 day rule. Additionally, nowhere in the operational spin change documentation does it indicate an additional 486 would need to be filed.

We sincerely hope you can help us with this issue and avoid the district having to file an appeal.